

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Apr 12, 2018

**SEAN F. MCAVOY, CLERK**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ZACHARY ROBERT CORDOVA,

Petitioner,

V.

## JAMES KEY,

## Respondent.

**NO: 4:18-CV-05010-SMJ**

## ORDER DISMISSING FIRST AMENDED PETITION

BEFORE THE COURT is Petitioner Zachary Robert Cordova's First

Amended Petition, ECF No. 8. Cordova, a prisoner currently housed at the Airway Heights Corrections Center, is proceeding *pro se* and *in forma pauperis*. Cordova challenges the Department of Corrections' determination that he is not eligible for certain prison-based programs due to the federal detainer imposed by this Court in connection with a supervised release violation.

## BACKGROUND

2 Cordova was indicted for conspiracy and aiding and abetting and aggravated  
3 identity theft on December 11, 2012. Cordova pleaded guilty to one count of  
4 conspiracy to commit bank fraud and one count of aggravated identity theft and  
5 was sentenced by this Court to 36 months' imprisonment and three years'  
6 supervised release. Cordova's supervised release commenced on December 19,  
7 2015.

On May 10, 2017, Cordova pleaded guilty in Benton County Superior Court to delivery of hydrocodone in Cause No. 16-1-01393-1. He was sentenced to the Drug Offender Sentencing Alternative program, with 45 months to serve in confinement and 45 months on community supervision.

12        This Court held a supervised release violation hearing on June 9, 2017.  
13      Cordova admitted to all violations alleged, and the Court sentenced Cordova to 24  
14      months' imprisonment, to be served concurrently with Benton County Superior  
15      Court Cause No. 16-1-01393-1.

16 The Court received a letter from Cordova on January 16, 2018. The letter  
17 explained that, due to the term of imprisonment imposed for the supervised release  
18 violation, Cordova was not considered a minimum security prisoner. Cordova did  
19 not challenge the legitimacy of the sentence, but objected to the fact that he is  
20 ineligible for certain programs due to his classification. Cordova stated, "I ask you

1 to please remove this detainer and in doing so help me become the better man that  
2 I know I can be with the help from these programs in which I would not otherwise  
3 not [sic] be able to attend.” The Court construed the letter as a petition for habeas  
4 corpus under 28 U.S.C. § 2241.

5 Cordova filed an amended petition and an application to proceed *in forma*  
6 *pauperis*. The Court granted Cordova’s application to proceed *in forma pauperis*  
7 and directed the Clerk’s Office to file the petition.

#### 8                   **STATED GROUNDS FOR RELIEF**

9                   As his first ground for federal habeas relief, Cordova asserts that he is  
10 unable to attend work release due to D.O.C. Police 300.380 due to his felony  
11 detainer.

12                  As his second and third grounds for habeas relief, Cordova asserts that he is  
13 unable to participate in drug treatment programs and college coursework because  
14 those programs are offered at a different corrections center available only to  
15 minimum security offenders.

16                  As his fourth ground for relief, Cordova states, “My detainer is up in March  
17 of 2019[,] but my release date in state is not until June 20, 2019.”

#### 18                   **DISCUSSION**

19                  Cordova fails to state a claim for which habeas relief is available. Cordova  
20 does not challenge the accuracy of D.O.C.’s calculation of his prison time or

1 offender classification. Nor does he contend that D.O.C. Policy 300.380 negatively  
2 impacts the length of his confinement. Cordova contends only that the federal  
3 detainer lodged with the Washington prison authorities prevents him from  
4 participating in activities for which he would otherwise be eligible. This is not a  
5 basis for habeas relief. *See Hernandez v. Johnston*, 833 F.2d 1316, 1318–19 (9th  
6 Cir. 1987) (noting that prisoners have no constitutional right to a specific security  
7 classification or to particular prison programs).

8           **Accordingly, IT IS HEREBY ORDERED:**

9           **1.** Petitioner's First Amended Petition, ECF No. 9 is **DISMISSED with**  
10           **prejudice.**

11           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,  
12 enter judgment, provide copies to Petitioner, and **CLOSE** the file.

13           **DATED** this 12th day of April 2018.

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**SALVADOR MENDOZA, JR.**  
16           United States District Judge  
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~ORDER DISMISSING FIRST AMENDED PETITION --